



# RAILROAD COMMISSION OF TEXAS

## SURFACE MINING AND RECLAMATION DIVISION

May 15, 2018

**Sent by Email**

Mr. Sid Stroud  
Manager, Mine Compliance  
Luminant  
Environmental Services  
6555 Sierra Drive  
Irving, Texas 75039

RE: Luminant Mining Company LLC (Luminant)  
Monticello Thermo Mine, Permit No. 5G  
Revision No. 35  
Request for Temporary Suspension of Review

Dear Mr. Stroud:

Revision No. 35 was submitted by letter dated March 14, 2018. Review of the application was terminated for several reasons by letter dated April 6, 2018. By letter dated April 30, 2018, Luminant requested our reconsideration of the termination of Revision No. 35 for the Monticello Thermo Mine and requested a meeting to discuss the comments addressed in our April 6, 2018 letter. After our May 15, 2018 meeting, I have decided to rescind the termination of Revision No. 35.

I am suspending review of your application pending receipt of information sufficient to demonstrate the issues addressed in our April 6, 2018 letter, and the 90-day review period for this application is tolled to allow Luminant an opportunity provide a response. After we receive your response, we will have 68 days to complete our review of the application.

Should you have any questions, please do not hesitate to call me or Katherine Upham, Technical Coordinator for review of this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Denny Kingsley".

J. Denny Kingsley, P.E., Director  
Surface Mining and Reclamation Division

JDK/KU/rv  
File Reference No. 1807401



**Sid Stroud**  
Manager, Mine Compliance  
Environmental Services  
sid.stroud@luminant.com

**Luminant**  
6555 Sierra Drive  
Irving, Texas 75039  
  
**T** 214.875.9129  
**C** 214.729.2171  
**F** 214.875.8699

April 30, 2018

Mr. J. Denny Kingsley, P.E., Director  
Surface Mining and Reclamation Division  
Railroad Commission of Texas  
P.O. Box 12967  
Austin, Texas 78711-2967

Railroad Commission  
of Texas  
RECEIVED

**MAY 01 2018**

RE: Luminant Mining Company LLC ("Luminant")  
Thermo Mine, Permit No. 5G  
Revision No. 35  
Postmine Land-Use Update

Surface Mining Division

Dear Mr. Kingsley:

On March 14, 2018, Luminant submitted Thermo Mine Permit No. 5G, Revision No. 35, to propose postmine land-use change for the Monticello-Thermo Mine. Specifically, Luminant proposed to convert approved pastureland postmine land use to industrial/commercial land use in support of the long-range intended use by the prospective owner, the City of Sulphur Springs ("City"), and the proposed change was focused on the mining facilities which are a key feature of interest for the City.

Luminant has received your letter of April 6, 2018, terminating your review of the application as "premature," and providing six comments in support of this decision. Luminant has reviewed these comments and believes that an opportunity to discuss your concerns would be beneficial. Therefore, Luminant respectfully requests that the Commission reconsider its April 6, 2018 decision to terminate Revision No. 35. Further, we suggest a meeting be scheduled at your office in the near future in order to present our response to Staff comments and clarify aspects of this application that may not have been considered in the earlier review.

Please let me know if you have any questions.

Sincerely,  
A handwritten signature in black ink, appearing to read "Sid Stroud".  
Sid Stroud

SS/SS/tg

Mr. J. Denny Kingsley, P.E., Director  
Page two

Bxc: One-Team Distribution



# RAILROAD COMMISSION OF TEXAS

## SURFACE MINING AND RECLAMATION DIVISION

April 6, 2018

**Sent by Email**

Mr. Sid Stroud  
Manager, Mine Compliance  
Luminant  
Environmental Services  
6555 Sierra Dr.  
Irving, TX 75039

RE: Luminant Mining Company LLC (Luminant)  
Monticello-Thermo Mine, Permit No. 5G  
Revision Application No. 35  
Postmine Land-Use Update

Dear Mr. Stroud:

Review of your request submitted by letter dated March 14, 2018, for approval of Revision No. 35, is complete. Revision No. 35 contains a proposed postmine land-use change for the Monticello-Thermo Mine. Luminant provided a \$500 revision-application filing fee with the application.

Based on the issues noted in the attached comments, particularly regarding those issues concerning temporary structures and the lack of a reclamation plan, both of which require revision application submittals, we are terminating our review of this application as premature.

If you have any questions, feel free to give me or Katherine Upham, Technical Coordinator for review of this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Denny Kingsley". A small blue "fr" is written to the left of the signature.

J. Denny Kingsley, Director  
Surface Mining and Reclamation Division

JDK/KU/tgw  
Attachment  
File Reference No. 1807401

**LUMINANT MINING COMPANY LLC**  
**MONTICELLO-THERMO MINE, PERMIT NO. 5G**  
**REVISION APPLICATION NO. 35**  
**POSTMINE LAND-USE UPDATE**  
**STAFF COMMENTS**  
**April 6, 2018**

1. As indicated in Luminant's October 9, 2017 letter, the Monticello Power Plant was scheduled to be retired early January 2018. Luminant has not demonstrated that the long-term use of the land within the newly proposed I/C area meets the definition of I/C land use as defined in the Texas Coal Mining Regulations at 16 TEXAS ADMIN. CODE §12.3(99)(F)(i):
  - (i) extraction or transformation of materials for fabrication of products, wholesaling of products, or for long-term storage of products. This includes all heavy and light manufacturing facilities, such as lumber and wood processing, chemical manufacturing, petroleum refining, and fabricated metal products manufacturing. Land used for facilities in support of these operations which is adjacent to or an integral part of that operation is also included. Support facilities include, but are not limited to, all rail, road, and other transportation facilities.
2. No reclamation plan for the proposed I/C area has been provided. Page 139(b)-5 in the approved permit states, "After completion of lignite production within the permit area, the loading station facilities will be dismantled and removed from the permit area prior to final reclamation of the sites. The existing office and maintenance facilities will also be dismantled and removed from the permit area after mining activities have been completed. Existing Luminant power line facilities will also be removed from the permit area after mining activities have been completed." Page 139(b)-6 states that, "The coal cleaning facility is intended to function in conjunction with the existing loading station facility. After completion of lignite production within the permit area, the coal cleaning facility will be dismantled, and the area reclaimed. The estimated reclamation date is 2012." While the mine facilities area is shown on Plate 139-1-1, it is listed as a temporary facility in the text. An updated reclamation plan for the areas and structures within the proposed I/C use needs to be provided.
3. Luminant currently has two proposed postmine land-use revision applications under review for Permit No. 5G: Revision Nos. 34 and 35. If Revision No. 35 is approved prior to Revision No. 34, Revision No. 34 will need to be consistent with the most recently approved postmine land-use plan.
4. Many of the structures and ponds within the proposed I/C land-use area are temporary: the A-1 Haul Road, A-1 Haul Road low-water crossing, C-04 principal spillway pipe, C-04 Pond, C-07A Access Road, C-01B Diversion, C-01A Diversion, C-04 Treatment Pond, ALPM principal spillway pipe, Thermo ALPM Sump Pond, and ALPM Sump Pond Modification No. 1. These structures must be permanent to be considered for I/C land use.
5. County Road 2303 that runs along the A-1 Haul Road adjacent to the proposed I/C land use area is currently closed. It is unclear why CR 2303, once reopened, is no longer sufficient to access the existing rail spur line.
6. Rule §12.399 states, "All affected areas shall be restored in a timely manner: (1) to conditions that are capable of supporting the uses which they were capable of supporting before any mining; or (2) to higher or better uses achievable under criteria and procedures of this section." It is unclear how the proposed I/C land use is a higher and better use than the approved pastureland, fish and wildlife habitat, and developed water resources land uses.



**Sid Stroud**  
Manager, Mine Compliance  
Environmental Services  
sid.stroud@luminant.com

**Luminant**  
6555 Sierra Drive  
Irving, Texas 75039

T 214.875.9129  
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3149500

(P)

March 14, 2018

Railroad Commission  
of Texas  
RECEIVED

Mr. J. Denny Kingsley, P.E., Director  
Surface Mining and Reclamation Division  
Railroad Commission of Texas  
P.O. Box 12967  
Austin, Texas 78711-2967

MAR 15 2018

Surface Mining Division

RE: Luminant Mining Company LLC ("Luminant")  
Monticello-Thermo Mine, Permit No. 5G  
Revision Application No. 35  
Postmine Land Use Update

Dear Mr. Kingsley:

Luminant is transmitting with this letter three (3) copies of Revision Application No. 35 at the Monticello-Thermo Mine, Permit No. 5G. Revision Application No. 35 is seeking Commission approval to update the land use information in section §12.147, converting approved pastureland postmine land use to industrial/commercial land use in support of the long-range intended use by the prospective owner, the City of Sulphur Springs.

As you are aware, Luminant and the City of Sulphur Springs have executed a Letter of Intent (see Introduction) for the conveyance of approximately 4,900-acres located within the boundaries of Permit Nos. 5G and 56 of the Monticello-Thermo Mine complex. The proposed land use change is focused around the mining facilities which are a key feature of interest for the City of Sulphur Springs.

Enclosed with this letter is the required permit application fee in accordance with Rule §12.108(a)(2) along with a completed SMRD-2C Form. Approval of Revision Application No. 35 is being respectfully requested from the Commission as soon as possible in order to facilitate the noted transaction in a timely manner.

Please contact Scott Mills at (214) 875-9090 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sid Stroud".

Sid Stroud

SS/SM/tg  
Enclosure

File Ref. No. \_\_\_\_\_  
 Fee \_\_\_\_\_  
 (for official use only)

Railroad Commission  
 06/08/03s  
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**RAILROAD COMMISSION OF TEXAS  
 SURFACE MINING AND RECLAMATION DIVISION**

3149499

MAR 15 2018

**Application for Nonsignificant Revision to Coal Mining Operations Permit**

Surface Mining Division

Complete all applicable portions. Please submit three (3) copies of your application on standard size paper (8 1/2" x 11", except for maps) to the Director of the Surface Mining and Reclamation Division. See *Texas Coal Mining Regulations* and the *Texas Surface Coal Mining and Reclamation Act* for information.

Name of Applicant:

**Luminant Mining Company LLC**

Name of Mining Operation:

**Monticello-Thermo Mine**

Permit No. **5G**

Permanent Mailing Address:

**6555 Sierra Drive**

Street or P O Box

**Irving**

**TX**

**75039**

City

State

Zip Code

Contact Person

**Scott Mills**

Telephone: **214-875-9090**

Revision Description

**Rev. 35 - Postmine Land Use Update**

**Type of Revision [check appropriate box(s)]**

Administrative  Operation Plan  Reclamation Plan  Incidental Boundary Revision

**Section of Permit to be Revised [check appropriate box(s)]**

**Legal, Financial and Compliance-Related Info (Administrative Information):**

Right of Entry/Property	§§12.116, 12.117	<input type="checkbox"/>	Other Permits	§12.121	<input type="checkbox"/>
Ownership and Control	§12.116	<input type="checkbox"/>	Cultural Resources	§§12.125(2), 12.151	<input type="checkbox"/>
Insurance	§12.120	<input type="checkbox"/>			

**Environmental Resources:**

Geology/Overburden Data	§12.127	<input type="checkbox"/>	Soils	§12.134	<input type="checkbox"/>
Ground Water	§§12.128, 12.130	<input type="checkbox"/>	Land Use	§12.135	<input type="checkbox"/>
Surface Water	§§12.129, 12.130	<input type="checkbox"/>	Map/Sections/Plans	§§12.136, 12.137	<input type="checkbox"/>
Vegetation	§12.132	<input type="checkbox"/>	Prime Farmland	§12.138	<input type="checkbox"/>
Fish and Wildlife Resources	§12.133	<input type="checkbox"/>			

**Operation Plan:**

Mine Plan	§12.139	<input type="checkbox"/>	Maps and Plans	§12.142	<input type="checkbox"/>
Blasting	§12.141	<input type="checkbox"/>	Air Pollution Control Plan	§12.143	<input type="checkbox"/>

**Reclamation Plan:**

Fish & Wildlife Plan	§12.144	<input type="checkbox"/>	Ponds	§12.148	
Reclamation Timetable	§12.145(b)(1)	<input type="checkbox"/>	Temporary Impoundment		<input type="checkbox"/>
Reclamation Cost Estimate	§12.145(b)(2)	<input type="checkbox"/>	Temporary Sediment Pond		<input type="checkbox"/>
Backfilling and Grading	§12.145(b)(3)	<input type="checkbox"/>	Permanent Sediment Pond		<input type="checkbox"/>
Topsoil Handling	§12.145(b)(4)	<input type="checkbox"/>	Permanent Impoundment		<input type="checkbox"/>
Revegetation Plan	§12.145(b)(5)(A-F)	<input type="checkbox"/>	Fresh Water Diversion		<input type="checkbox"/>
Soil Monitoring Plan	§12.145(b)(5)(G)	<input type="checkbox"/>	Disturbed Water Diversion		<input type="checkbox"/>
Conservation of Coal	§12.145(b)(6)	<input type="checkbox"/>	Mining Near Underground Mining	§12.149	<input type="checkbox"/>
AFM/TFM Handling Plan	§12.145(b)(7)	<input type="checkbox"/>	Stream Diversions	§12.150	<input type="checkbox"/>
Well/Hole Plugging	§12.145(b)(8)	<input type="checkbox"/>	Relocation/Closure of Public Roads	§12.152	<input type="checkbox"/>
Hydrologic Reclamation Plan	§12.146(a)	<input type="checkbox"/>	Road Systems	§12.154	<input type="checkbox"/>
Long-Term Ground-Water Monitoring	§12.146(b)	<input type="checkbox"/>	Temporary Ancillary Road		<input type="checkbox"/>
Long-Term Surface-Water Monitoring	§12.146(c)	<input type="checkbox"/>	Temporary Primary Road		<input type="checkbox"/>
Probable Hydrologic Consequences	§12.146(d)	<input type="checkbox"/>	Permanent Primary Road		<input type="checkbox"/>
Postmine Land Use	§12.147	<input checked="" type="checkbox"/>			

Railroad Commission  
of Texas  
RECEIVED

**LUMINANT MINING COMPANY LLC**  
**MONTICELLO-THERMO MINE, PERMIT No. 5G**  
**REVISION APPLICATION No. 35**

**MAR 15 2018**

Surface Mining Division

**March 14, 2018**

**TABLE OF CONTENTS**

Volume 1 of 1

Introduction: Discussion of Revision Application No. 35

Verification of Application:

Section (s): This section contains revised and/or added information

**Section .147**

Revised Tables 147-1 and 147-2  
Revised Plate 147-1

Railroad Commission  
of Texas  
RECEIVED

**LUMINANT MINING COMPANY LLC**  
**MONTICELLO-THERMO MINE, PERMIT No. 5G**  
**REVISION APPLICATION No. 35**

MAR 15 2018

Surface Mining Division

**March 14, 2018**

## **INTRODUCTION**

Revision Application No. 35 is being provided to the Commission seeking approval to revise and update the land use information in Section §12.147, converting the approved pastureland postmine land use to industrial/commercial land use in support of the long-range intended use by the prospective owner, the City of Sulphur Springs.

Luminant and the City of Sulphur Springs have executed a Letter of Intent (located within the Introduction section of this document) for the conveyance of approximately 4,900-acres located within the boundaries of Permit Nos. 5G and 56 of the Monticello-Thermo Mine complex. The proposed land use change is focused around the mining facilities, which are a key feature of interest for the City of Sulphur Springs.

The material contained within this document is fashioned similar to the approved permit application and where possible, revised and/or added material is labeled as "Revision No. 35" and should be replaced and/or added as noted in the Table of Contents of this document.



**Matt Goering**  
Vice President - Operations Planning  
[mattew.goering@luminant.com](mailto:mattew.goering@luminant.com)

**Luminant**  
1601 Bryan Street  
Dallas, TX 75201

T 214.875.9977

March 29, 2017

The City of Sulphur Springs  
Attention: Mark Maxwell, City Manager  
125 South Davis Street  
Sulphur Springs, Texas 75482

**Re:** Letter of intent for the development and conveyance of approximately 4,900 acres, formerly the Thermo Mine, located in or near Sulphur Springs, Texas (herein referred to as the "Property")

Dear Mr. Maxwell:

**WHEREAS**, Luminant Mining Company LLC ("Luminant") is the owner of 4,900 acres more or less of land in Hopkins County, Texas, said Property having been permitted for mining operations by Luminant and now being subject to the reclamation requirements of the Railroad Commission of Texas ("RRC"), which requirements are secured by a bond, posted by Luminant, until completion (the "Bond");

**WHEREAS**, the Property is also subject to the rules and regulations of various other regulatory agencies, including but not limited to, the Texas Commission on Environmental Quality ("TCEQ") and the United States Army Corps of Engineers ("USACOE");

**WHEREAS**, the RRC supports reclamation activities and changes of land use that result in beneficial land use by the general public and, specifically, the local community;

**WHEREAS**, the City of Sulphur Springs (the "City") is the county seat of Hopkins County (the "County"), and desires to flexibly develop, use and maintain the Property as a multi-use site for its residents;

**WHEREAS**, Luminant desires to work with the City to prepare the Property to be developed by the City into a multi-use site, subject to the rules and requirements, if any, and the ultimate final approval of the RRC; and

**WHEREAS**, Luminant and the City held meetings on February 10, 2017 and March 24, 2017 to discuss the general terms of the agreement.

**NOW, THEREFORE**, Luminant and the City enter into this non-binding letter of intent ("LOI") setting forth some of the basic agreements and terms pursuant to which Luminant proposes to prepare and convey to the City the above referenced Property.

- 1. Property:** The Property consists of approximately 4,900 acres +/- of unincorporated land in Hopkins County, as more particularly depicted on the attached map. The Property is subject to the reclamation requirements of the RRC, the completion of which are

secured by the Bond. The City desires to own and develop the Property into a multi-use site, including but not limited to recreational and commercial uses. The Property is comprised of:

- a. **H-Area.** Luminant intends to complete reclamation on that portion of the Property known as the former H-Area, roughly 350 acres more or less ("H-Area"), by developing it into a recreational area, subject to the RCT's approval of such land use change and designation, which will include a pond, forested, open pasture and wetland areas. The pond to be created will have a capacity of 475 acre feet ("H-Area Pond"). Pursuant to Section 11.142 of the Texas Water Code, reservoirs with a capacity of more than 200 acre feet require a permit (water right) to impound such amount of water.
- b. **Facilities.** The City desires to keep and for Luminant to leave in their current condition the facilities constructed or placed by Luminant onto the Property, to include but not be limited to haulroads, rail lines, silos, office and maintenance buildings, tank farms (bulk storage tanks), culverts, access roads, overpasses and drop structures (the "Facilities").
- c. **County Roads, Bridges, Overpasses, Etc.** The Property is subject to certain requirements from the County and the Texas Department of Transportation ("TXDOT") related to the construction of certain county roads and the removal of the FM 1870 bridge, respectively (collectively, the "Roadway Obligations"). The City desires to keep and maintain the FM 1870 bridge.
- d. **Wetlands.** Based on requirements of the USACOE, Luminant is required to protect and maintain certain wetland areas on the Property.
- e. **Remaining Property.** The design for and end-use of the remaining Property not described above in 2(a-d) will be created in consultation with the City.

Once this agreement has been presented to and approved by the RRC, Luminant will deliver to the City the design for the H-Area (the "H-Area Initial Design"), and a map depicting the Facilities and the Roadway Obligations, all of which will be submitted to the RRC for final approval.

2. **Conveyance:** In consideration of the promises made by the City and the ability, with the City's complete cooperation and consent, of Luminant to deduct the full fair market value of the Property, Luminant will gift the Property to the City, either in whole or in pieces. Such conveyance(s) will be made upon the mutual agreement of the City and Luminant, and based on permit and the Bond requirements in effect at the time. Notwithstanding such restrictions, the City and Luminant will endeavor to the transfer of the Property to the City as expeditiously as possible.

For clarity, at no time will the Property be open to the public while ownership is vested with Luminant.

**3. Responsibilities of the Parties:** Per the rules and regulations of the RRC, Luminant is currently responsible for the reclamation of the Property, which will remain under Luminant's Bond and the responsibility of Luminant until the RRC releases or transfers the Bond.

- a. **Luminant's Responsibilities:** Until the Property is transferred to the City and as long as the Property is under Luminant's Bond, Luminant shall have full authority to make any regulatory decisions related to the Property, including those related to its development.

Luminant will reclaim the H-Area property by undertaking development of the layout and natural elements of the H-Area Initial Design at its sole cost and in accordance with the RRC's reclamation requirements. Luminant will allow the City to review the H-Area Initial Design and any subsequent changes to the H-Area Initial Design, and will endeavor to accommodate all of the City's desires and future uses of the H-Area in finalizing the H-Area Initial Design and in the developing of the H-Area property; provided, however, that at all times Luminant will have sole authority over the H-Area development.

For clarity, Luminant shall not be responsible for the costs or expenses associated with, nor required to provide any financial support to the City for, any structural Improvements or features to be added to the Property, including any depicted for illustrative purposes in the H-Area Initial Design, or that the City otherwise wishes or decides to install on the Property, which might include, but not be limited to, any walking trails, bike trails, picnic areas or furniture, playgrounds and associated equipment, pavilions, and parking areas (collectively, "Improvements"). Such Improvements, will be the sole responsibility and cost of the City or its developer.

- b. **The City's Responsibilities:** The City agrees to assist Luminant in all respects in getting approval from the RRC to undertake this development, and in completing the development.

The City acknowledges and agrees to assume from Luminant the Roadway Obligations. With Luminant's consent and cooperation, the City will be responsible for reaching agreements with Hopkins County and TXDOT to ensure that such obligations are transferred to the City. The City shall also be responsible for an agreement with TXDOT to keep the FM 1870 bridge.

The City acknowledges that the capacity of the H-Area Pond will be 475 acre feet and that of the G-13 pond is 2,400 acre feet. Pursuant to the requirements of Section 11.142 of the Texas Water Code, the City shall, upon consultation with TCEQ, either transfer its existing or seek new water rights to accommodate the capacity of the H-Area Pond and the G-13 Pond.

The City shall, with the cooperation and consent of Luminant, annex the Property into the City of Sulphur Springs; provided, however, that prior to

such annexation the City and Luminant have agreed in a binding document that annexation of the Property into the City of Sulphur Springs will not subject Luminant to any new or additional property or ad valorem taxes not currently assessed.

For clarity, the City shall not be required to provide any financial support to Luminant for the development of the natural elements of the H-Area which are regulated by the RRC, and will not have any authority or ability to direct the development or change those aspects of the H-Area which are regulated by the RRC.

- c. **Collective Responsibilities.** The City and Luminant will work together to transfer the obligations of the RRC, including the permit requirements, from Luminant to the City.

4. **Timing:** The process of obtaining approval from the RRC of the H-Area Initial Design and other aspects of the development of the remaining Property is anticipated to take up to one (1) year. Subsequent to such approval, reclamation can commence. Based on RRC requirements and the overall size of the H-Area property, Luminant anticipates the final disposition of the regulatory mine permit and the Bond affecting said the H-Area should occur within five (5) to seven (7) years. Final disposition of the permit and Bond for other portions of the Property may take more or less time.

5. **No Contract:** This LOI is non-binding. No contract or agreement of purchase or sale shall be deemed to exist between Luminant and the City unless and until a contract has been mutually executed between the parties in form and substance satisfactory to both parties' legal counsel.

If the proposals set forth above are acceptable to the City, Luminant would appreciate your acknowledgement and signature on the following page of this LOI indicating that the City is in agreement with these terms. Upon execution of this LOI, Luminant will commence developing the final Design Package to be submitted to the RRC.

Best regards,

Luminant Mining Company LLC

By:

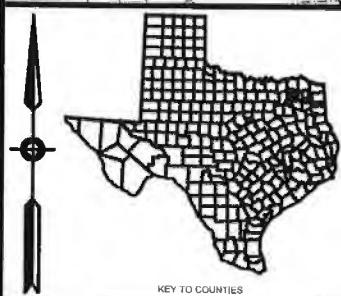
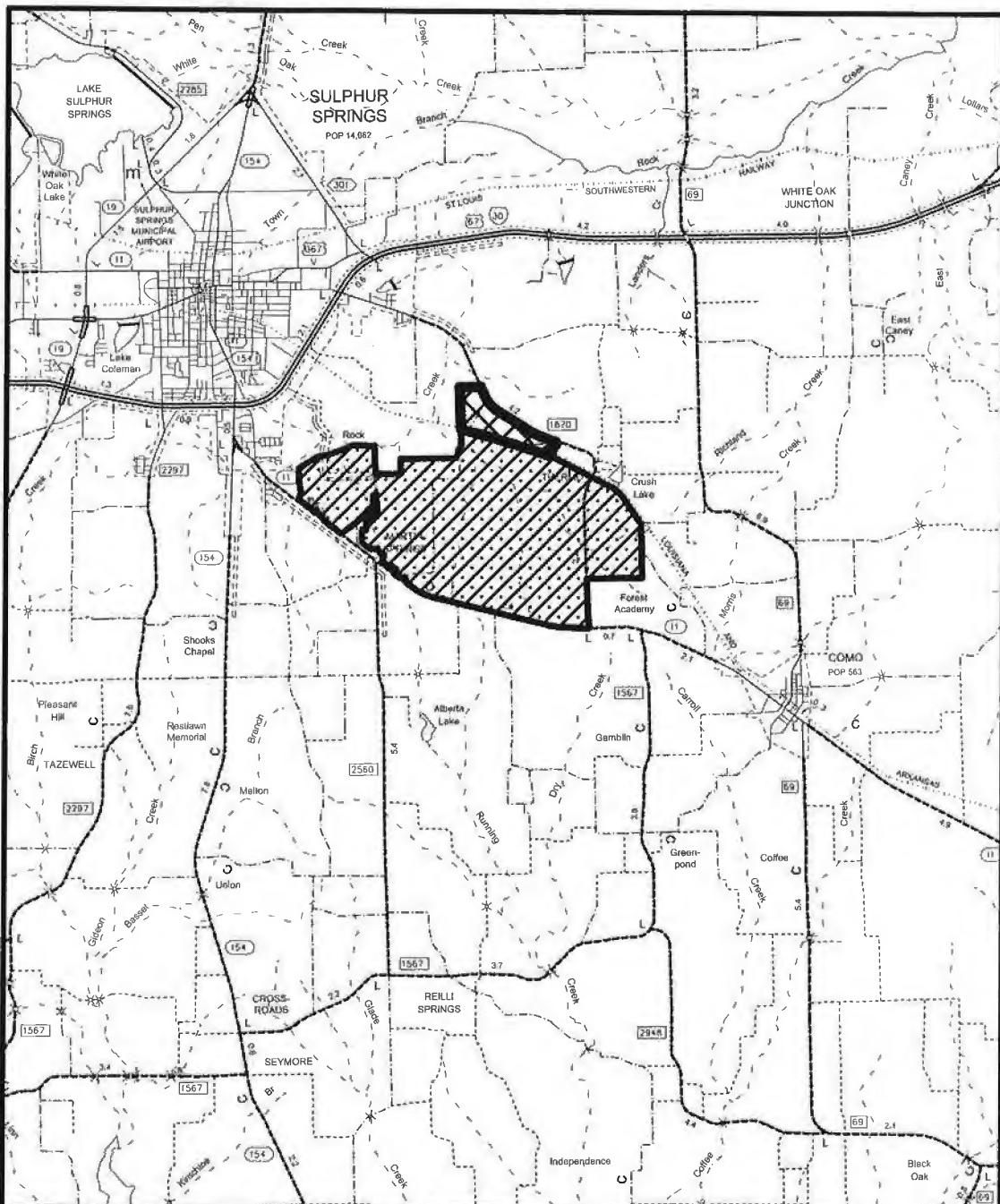
  
Matthew A. Goering  
Vice President

I Emily Glass, Mayor of the City of Sulphur Springs, being duly vested with the proper and necessary authority, hereby acknowledge that I have read this letter of intent and that it correctly states the proposed terms of the development and conveyance of the Property.

Signed this 29 day of April, 2017.  
March <sup>EG</sup>

The City of Sulphur Springs

By: Emily Glass  
Its: Mayor



THERMO MINE 5G PERMIT

THERMO MINE A-1 AREA 56 PERMIT

PROJECT  
LOCATION MAP

SCALE: 1"= Approx. 2 Mi.

## VERIFICATION OF APPLICATION

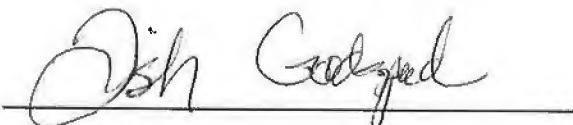
I, Scott Mills, Environmental Manager - Permitting, state that I have knowledge of the facts herein set forth, including those contained within the document titled Thermo Mine, Permit No. 5G, Revision Application No. 35, dated August 1, 2017, and that same are true and correct to the best of my information and belief.

Dated this 14<sup>th</sup> day of March, 2018.

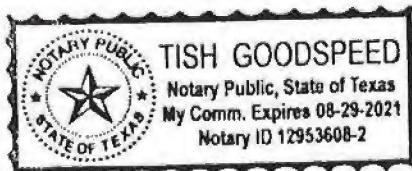
  
\_\_\_\_\_  
Scott Mills

Before me, a Notary Public, on this day personally appeared Scott Mills, known to me to be the person whose name is subscribed to the foregoing instrument.

Given under my hand and seal of office this 14<sup>th</sup> day of March, 2018.

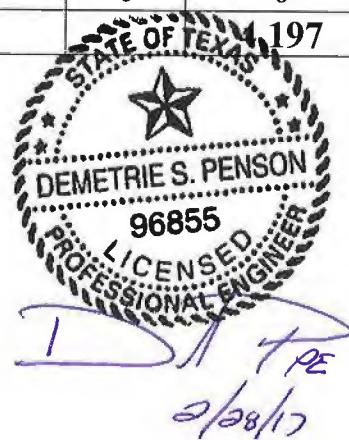
  
\_\_\_\_\_  
Tish Goodspeed

Notary Public, State of Texas  
Expires 08/29/2021



**TABLE 147-1**  
**POSTMINE LAND USES**  
**THERMO MINE, PERMIT 5G**  
**REVISION NO. 35**

Land Uses	Pre-Permit Term and Disturbance In Support of Mining	%	Permit Term Mining Disturbance	%	Composite Acres	%
Pastureland	2,080	58	313	50	2,393	57
Fish & Wildlife Habitat	675	19	96	16	771	18
Forestry	485	13	93	15	578	14
Developed Water Resources	240	7	97	16	337	8
Industrial Commercial	97	3	20	3	117	3
Residential	0	0	0	0	0	0
Undeveloped	1	<1	0	0	1	<1
Cropland	0	0	0	0	0	0
<b>Total</b>	<b>3,578</b>		<b>619</b>			



Leased Tract Pre Mine Land Use Acreage  
 (This acreage is included in Table 147-1)

Permit No. 5G  
 Revision No. 35

TABLE 147-2  
Pre-Mine Land Use on Leased Tracts

Tract Number	Undeveloped	Water	Pasture	Residential	Forest	Industrial Commercial
157			0.41			
158	0.51		1.28			